

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

WSOU INVESTMENTS, LLC D/B/A
BRAZOS LICENSING AND
DEVELOPMENT,

Plaintiff,

v.

ARISTA NETWORKS, INC.

Defendant.

CIVIL ACTION NO. 6:20-cv-01083-ADA

JURY TRIAL DEMANDED

**DEFENDANT ARISTA NETWORKS, INC.'S UNOPPOSED MOTION FOR LEAVE TO
SEAL PREVIOUSLY FILED TRANSCRIPT OF DEPOSITION OF
ADAM SWEENEY [DKT. 38-2]**

Under Federal Rule of Civil Procedure 5.2(d) and Local Rule CV-5.2, Defendant Arista Networks, Inc. (“Arista”) requests leave to file under seal the entirety of the transcript of the deposition of Adam Sweeney (the “Sweeney Deposition Transcript”), which was previously filed as Docket 38-2, and, in support thereof, shows the following:

The public’s right to access judicial records is not absolute. *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 598 (1978). “Every court has supervisory power over its own records and files, and access has been denied where court files might have become a vehicle for improper purposes.” *Id.* In exercising its discretion to seal judicial records, “the court must balance the public’s common-law right of access against the interests favoring nondisclosure.” *S.E.C. v. Van Waeyenberghe*, 990 F.2d 845, 848 (5th Cir. 1993); see also *Nixon*, 435 U.S. at 599 (stating that the court must consider “relevant facts and circumstances of the particular case”).

Moreover, sealing is proper where, as here, the moving party seeks to protect “business information that might harm a litigant’s competitive standing.” *Nixon*, 435 U.S. at 598; *see also Solio Sec., Inc. v. Cummings Eng’g Consultants, Inc.*, No. A-12-CA-722-SS, 2012 WL

13027556, at* 1 n.l (W.D. Tex. Oct. 2, 2012) (granting motion for leave to file under seal because “exhibit potentially contain[ed] proprietary and confidential information”); *360 Mortg. Grp., LLC v. Bivona-Truman*, No. 1:14-CV-847-SS, 2016 WL 7616575, at *2 (W.D. Tex. May 24, 2016) (granting sealing of “sensitive information of the Parties themselves”).

Plaintiff WSOU Investments, LLC d/b/a Brazos Licensing and Development (“Brazos”) filed the entirety of the Sweeney Deposition Transcript as an exhibit in support of its Response to Arista’s Motion to Transfer. *See* Dkt. No. 37 (Response to Motion to Transfer filed under seal) and Dkt. No. 38-2 (Sweeney Deposition Transcript attached as Exhibit 2 to Declaration of Matt Hogan in Support of Response to Motion to Transfer—not filed under seal). Arista requests the Sweeney Deposition Transcript be placed under seal because it largely contains sensitive information that Arista considers to be highly confidential and that is not generally known to others or disclosed publicly. Such information includes, but is not limited to, information regarding Arista’s contractual agreements, employees, research projects, and server and data storage.

Counsel for Arista conferred with counsel for Brazos, and this motion is unopposed. Accordingly, Defendant Arista Networks, Inc. respectfully requests that the Court grant its request to seal the Sweeney Deposition Transcript, previously filed as Dkt. 38-2, in its entirety.

Dated: November 12, 2021

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CERTIFICATE OF CONFERENCE

I certify that counsel for Arista conferred with counsel for Brazos regarding the foregoing Motion for Leave. Brazos' counsel confirmed that its client does not oppose the requested relief.

By: /s/ Paige Arnette Amstutz
Paige Arnette Amstutz

CERTIFICATE OF SERVICE

Pursuant to the Federal Rules of Civil Procedure and Local Rule CV-5, I hereby certify that, on November 12, 2021, all counsel of record who have appeared in this case are being served with a copy of the foregoing via the Court's CM/ECF system.

/s/ Paige Arnette Amstutz
Paige Arnette Amstutz